



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region IX
75 Hawthorne St
San Francisco, CA 94105

SEP 26 2019

ENFORCEMENT AND COMPLIANCE
ASSURANCE DIVISION

Via Certified Mail No. 7018 0680 0000 3319 8413

Mike Prinslow
Director of Engineering
Four Seasons Resort Hualālai
Hualālai Trading Company
72-100 Ka'ūpūlehu Drive
Kailua-Kona, HI 96740

RE: Field Citation No. FY2019-9603251; Hualālai Trading Company, Kailua-Kona, Hawaii

Dear Mrs. Prinslow:

The U.S. Environmental Protection Agency ("EPA") is in receipt of your signed Compliance Order/Settlement Agreement (the "Field Citation") for the above-referenced facility. We appreciate your cooperation in returning to compliance and remitting the settlement payment.

EPA understands that you have corrected all areas of concern cited in the Field Citation, as required by PART II of the Settlement Agreement portion of the Field Citation, which states:

2. The Owner or Operator signs this Settlement Agreement under EPA's expedited enforcement procedures to settle the areas of concern found in the Inspection Summary in Part I of the Form subject to the following terms and conditions; By signing this Settlement Agreement, the Owner or Operator, recognizes that the areas of concern identified in Part I are potential violations and that the Owner or Operator is willing to enter into settlement with EPA to resolve these potential violations.

With this understanding, EPA has approved and executed the Field Citation. Please be aware that EPA's agreement (in Paragraph 5 of the Settlement Agreement portion of the Field Citation) not to take further action against the Owner or Operator for violations described in the Field Citation, is predicated on the truthfulness of your certification that the violations have been corrected. EPA retains the right to take enforcement action against the Owner and/or Operator for these violations if it is determined that your certification was false in any respect.

If you have not met all of the requirements of the Field Citation, you must contact us in writing immediately. The Environmental Protection Agency or the Hawaii Department of Health may make future inspections of your facility to determine your continued compliance with the federal underground storage tank regulations. If any violations are found at the facility during such inspections, please be aware that EPA may impose standard enforcement procedures with substantially higher penalties.

Once again, thank you for your cooperation. Please keep the copy of the enclosed signed settlement agreement with your facility records for future reference.

If you have any questions about the field citation you may contact Rick Sakow of our Hazardous Waste and Chemical Section at (415) 972-3495.

Sincerely,



Kaoru Morimoto, Manager
Hazardous Waste and Chemical Section
Enforcement and Compliance Assurance Division

Enclosure

cc: Roxanne Kwan, Hawaii Department of Health

PART I: INSPECTION SUMMARY

On: 8/14/2019 Time: 8:40 AM
 (Date of Inspection) (a.m. or p.m.)

At: Hualalai Trading Company 9-603251
 (Facility Name and Identification Number)

Address: 72-100 Kaupulehu Dr.
Kailua-Kona, HI 96740

(Name of On-site Representative if not the Owner or Operator)

Mike Prinslow

Name and address of the UST Owner or Operator (circle which applies).

Name: Luwana Salinas

Address: Same

A duly designated officer, employee, or representative of the EPA or a duly designated officer or employee of the State or Tribe inspected this facility. EPA has reviewed the inspection report and other relevant materials and has identified the following violation(s) of the UST regulations promulgated or approved by EPA under Subtitle I of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. § 6991 et seq.).

1. Citation: 40CFR§280.41(b)(1)(i)(B)

Violation: Failure to have monthly monitoring of pressurized piping Proposed Penalty: \$ 670

2. Citation: 40CFR§280.

Violation: _____ Proposed Penalty: \$ _____

3. Citation: 40CFR§280.

Violation: _____ Proposed Penalty: \$ _____

4. Citation: 40CFR§280.

Violation: _____ Proposed Penalty: \$ _____

5. Citation: 40CFR§280.

Violation: _____ Proposed Penalty: \$ _____

PROPOSED PENALTY TOTAL: \$ 670

EPA finds the Owner or Operator in violation of the above referenced UST regulations.

[Signature] Date: 8/14/2019
 (Signature of Authorized Officer or Employee of EPA)

PART II: SETTLEMENT AGREEMENT/COMPLIANCE ORDER

A. Settlement Agreement: The Owner or Operator by signing this Settlement Agreement (or by having an authorized representative sign it) agrees to settle the violations identified in Part I, subject to the following terms and conditions:

The Owner or Operator certifies, subject to civil and criminal penalties for making a false submission to the U. S. Government, that he or she has corrected the violations, submitted true and accurate documentation of their correction, and submitted payment to the U.S. Treasury for the amount of \$ 670 in payment of the full proposed penalty amount, as described in Part I of this Form.

The Owner or Operator agrees to comply with the terms of the Compliance Order in Part II.B. Without admitting liability for the violations cited in Part I, the Owner or Operator signing below waives any objections to EPA's jurisdiction with respect to the Compliance Order and this Settlement Agreement, and consents to EPA's final approval of this Settlement Agreement without further notice. The Owner or Operator waives the opportunity for a public hearing pursuant to RCRA section 9006.

Once EPA signs the Settlement Agreement, EPA will take no further enforcement action against the Owner or Operator for the civil violations described in Part I, provided the violations have been timely corrected and the penalty has been paid. EPA does not waive its right to enforce against the Owner or Operator for any other violations not described in Part I and violations of the UST requirements or other requirements listed in Part I that were not corrected in a timely manner.

This Settlement Agreement and Compliance Order will become effective once signed by EPA and is binding on EPA and the Owner or Operator upon signature by both parties. Final approval of the Settlement Agreement and Compliance Order is in the sole discretion of the Regional Administrator, Region 9, EPA, or his or her authorized delegate. Upon final approval, EPA shall mail a copy of this document to the Owner or Operator signing below.

SIGNATURE BY OWNER, OPERATOR, OR AUTHORIZED REPRESENTATIVE:
 Name (print): MIKE PRINSLOW
 Title (print): Asst. Director of Engineering
 Signature: [Signature] Date: 8/14/2019

FOR OFFICIAL USE ONLY

B. Compliance Order: This Compliance Order is issued under the authority of RCRA section 9006 to resolve the civil violations identified in Part I. The Owner or Operator is ordered to correct the violations, submit true and accurate documentation that the violations were corrected, and pay the total penalty amount listed in Part I of this Form. This Compliance Order shall become final and enforceable only upon signature by an EPA official with the authority to sign this document.

SIGNATURE BY EPA APPROVING THE SETTLEMENT AGREEMENT AND COMPLIANCE ORDER:
 Name (print): _____
 Title (print): [Signature]
 Signature: [Signature] Date: 9/26/19
 Notes: _____